



Federal Communications Commission
Washington, D.C. 20554

March 14, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Consumer Information and Disclosure Public Notice CG Docket No. 09-158, CC Docket No. 98-170,
WC Docket No. 04-36, GN Docket No. 09-191; WC Docket No. 07-52

Dear Ms. Dortch:

On March 14, 2012, ISPs and representatives of other organizations and companies met with members of the Commission to discuss issues associated with the Commission's 2012 broadband measurement and performance program. A full list of meeting attendees and discussion drafts on Disclosure and Broadband Performance Consumer Outreach tools are attached to this filing.¹

The meeting focused on updates on the progress of the 2012 measurement trial and discussion of the Commission's interest in facilitating dialogue on consumer directed information, including disclosures of broadband service information and information on what broadband performance consumers need for different Internet activities.

Alex Salter of SamKnows discussed that the remaining panel adjustments are complete and that all panels are in a statistically sound state and gathering data. Progress towards the completion of the March data gathering month is expected to proceed smoothly.

Daniel Kirschner, Counselor to the General Counsel discussed the Commission's interest in better understanding the current state of disclosures by carriers, and how content and presentation of information can be best communicated to consumers. Participants inquired about the source of the Commission's interest in the area and questioned whether the interest was generated from complaints received by the Commission. Participants shared the view that the great diversity among carriers' website content and presentation explained the deviation in the content and presentation of disclosure information. Some participants expressed a need for a "safe harbor" under the Commission's Open Internet disclosure requirements. Mr. Kirschner explained that Commission was interested in understanding what content and presentation might constitute "best practices" for disclosures.

Deborah Broderson, Legal Advisor, Consumer and Governmental Affairs Bureau presented work on a "Need for Speed" tool that may help consumers better understand their broadband performance needs. Participants shared views that carriers have an incentive to present information clearly to customers about how online usage aligns with service offerings, and questioned the need for a Commission tool. Participants discussed that a tool that focused on speed without attention to data caps could be confusing to consumers who make choices between wireless and wireline options. Use of the Measuring Broadband America results with the tool could also be confusing to consumers if detailed instruction was not

¹ The disclosure material is attached to this filing in Appendix A, and the review materials on broadband performance consumer outreach in Appendix B.

provided about the limited number of tiers and providers that were included in the study. Others expressed concern that a technology or ISP bias might also be reflected because of a consumer's lack of understanding about the scope of the program. Some participants expressed the view that broadband map data would be a better reference tool.

The group discussed addressing topics related to the conclusion of the March reporting month at the next meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter Johnston", with a long, sweeping horizontal line extending to the right.

Walter Johnston, Chief
Electromagnetic Compatibility Division/OET

Attendees

| Name | Organization |
|--------------------|---------------------|
| Jim Smith | ATT |
| Ladonna Hagler | ATT |
| Ken Koh | Adtran |
| Catherine Bohigian | Cablevision |
| Paul Jamieson | Cablevision |
| Paul Diamond | CenturyLink |
| Jeb Benedict | Centurylink |
| Michael Bugenhagen | Centurylink |
| Paul Diamond | Centurylink |
| Doug Gordon | Charter |
| Jay Rolls | Charter |
| Gale Lightfoot | Cisco |
| Marc Linsner | Cisco |
| Russ Gyurek | Cisco |
| Mary McManus | Comcast |
| John Jay | Corning |
| Paul Cain | Cox |
| Alec MacDonell | FCC |
| Daniel Kirschner | FCC |
| Deborah Broderson | FCC |
| James Miller | FCC |
| Walter Johnston | FCC |
| Mike Saperstein | Frontier |
| Meredith Whittaker | Google/M-Lab |
| David Horne | Intel |
| Dave Rerko | JDSU |
| Shane Amante | Level 3 |
| Jim Partridge | NCTA |
| Steve Morris | NCTA |
| Peter Sevcik | NetForecast |
| Thomas Gideon | New America/M-Lab |
| Alex Salter | SamKnows |
| Ariela Fish | SamKnows |
| Neil Campell | SamKnows |
| Jason Weil | Timewarner Cable |
| Terri Natoli | Timewarner Cable |
| Lee Howard | Timewarner Cable |
| Ryan Wilfling | Timewarner Cable |
| Glenn Reynolds | US Telecom |
| Kevin Ruby | US Telecom |

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|----------------|------------|
| Chris Martin | Verizon |
| Chris Martin | Verizon |
| David Young | Verizon |
| Donna Epps | Verizon |
| Kitty O'Hara | Verizon |
| Erwin Hudson | Viasat |
| Jennie Chandra | Windstream |

Appendix A

Appendix B